

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:22-cv-00071-FDW-DCK**

ALEXIS BENSON and KEVIN )  
CARBERRY, Sr., o/b/o K.C., JR. )  
                                )  
                                )  
**Plaintiff,**                 )  
                                )  
vs.                            )                                  ORDER  
                                )  
                                )  
**FORT MILL SCHOOLS/**         )  
**YORK COUNTY DISTRICT 4, et al.,** )  
                                )  
                                )  
**Defendants.**                 )  
                                )  
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**THIS MATTER** is before the Court on initial review of Plaintiff's Complaint under 28 U.S.C. § 1915(e)(2). [Doc. 1].

**I. BACKGROUND**

Plaintiffs, who are residents of Fort Mill, South Carolina, filed this action on February 22, 2022 on behalf of their minor child against the Fort Mills School District, also referred to as York County District 4; numerous individual Defendants, all of whom are identified as employees of the Fort Mills School District; and Douglas Dent and his non-profit, Greenville Revitalization Corporation. [Doc. 1 at 1]. Fort Mills is in state of South Carolina. Plaintiffs do not allege where the individual Defendants reside. Plaintiffs allege that Defendants violated the Constitution and federal law in relation to their autistic minor child's schooling and related experiences with Defendants, which all appear to have occurred in Fort Mill, South Carolina. [See Doc. 1].

**II. DISCUSSION**

Venue is established by 28 U.S.C. § 1391(b), which provides: (b) A civil action may be brought in: (1) a judicial district where any defendant resides, if all defendants are residents of the

State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

Therefore, under Section 1391, Plaintiff's action may be heard in a venue where all the defendants reside, or in the venue where the issue substantially arose, which here is the District of South Carolina. Pursuant to 28 U.S.C. § 1406(a), the Court may dismiss this action, or, if it is in the interest of justice, transfer this action to the United States District Court for the District of South Carolina. The Court will transfer this action to the District of South Carolina.

### **III. CONCLUSION**

For the reasons stated herein, the Court transfers this action to the District of South Carolina.

**IT IS, THEREFORE, ORDERED** that:

1. Plaintiff's action is transferred to the District of South Carolina.
2. The Clerk is instructed to terminate this action.

Signed: February 28, 2022



Frank D. Whitney  
United States District Judge

